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KYOCERA WIRELESS CORP.
P.O. BOX 928289
SAN DIEGO, CA 92192-8289

EXAMINER
WIENER, ERIC A

ART UNIT	PAPER NUMBER
2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/719,317	RAO, SUMITA	
	Examiner	Art Unit	
	Eric A. Wiener	2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/20/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 24 are pending.
2. The IDS filed on 7/20/2005 has been considered.

Specification

3. The disclosure is objected to because of the following informality: Applicant must fill in appropriate blanks corresponding to patent application incorporated by reference on page fifteen. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1, 2, 4, 5, and 6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 is nonstatutory, because the language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological environment or machine that would result in a practical application producing a concrete and useful result to form the basis of statutory subject matter under 35 U.S.C. 101. The claim lacks a tangible hardware element and thus may be performed on, for example, a piece of paper. The claim requires the addition of a tangible hardware element to produce a concrete and useful result.

Claims 2, 4, 5 and 6 depend on claim 1 and do not further add a hardware element to provide a concrete and useful result. Claims 2, 4, 5 and 6 are therefore nonstatutory for the same reason as claim 1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 4 – 6, 18, and 21 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over CDH Productions in view of Wischik.

As per claim 1, CDH Productions discloses a product, GraFX Saver Pro, which employs a method for creating screen saver media presentations. The method allows a user to input configuration instructions to select and arrange provided media objects into a sequence utilizing transitions between media objects in order to create a screen saver media presentation (“GraFX Saver Pro,” page 1, paragraph 1), where the selecting and arranging is implied by the ability to combine images, animation, video, and audio to create professional screensavers.

CDH Productions does not explicitly disclose that the screen saver is associated with a trigger event. However, in an analogous art, as disclosed by Wischik, “Screen savers start when the mouse and keyboard have been left idle for some time” (“How to write a 32bit screen saver,” page 1). In addition, Wischik discloses “if you move your mouse into some corners then the currently selected saver will start immediately” (“How to write a 32bit screen saver,” page 20).

Therefore, Wischik discloses that screen savers such as the ones created by CDH Productions are associated with some sort of monitored trigger event that is played once the event is detected. Thus, it would be obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of CDH Productions and Wischik, because the association of screen savers with some sort of trigger event is an old and well known feature, used for automatically initiating the screen saver according to user specifications in order to avoid burning a static image into a screen, as well as for protecting information and for entertainment ("How to write a 32bit screen saver," pages 1 and 2).

As per claim 2, CDH Productions and Wischik substantially disclose the method of claim 1. In addition, Wischik further discloses packaging the media objects and sequencing information into an encapsulated media package: "If at all possible you should have a single .scr file with no additional files. Even if you want to have additional bitmaps or JPEGs with your saver, these might as well be deployed as resources in the .scr file. It also makes it much easier for the user if you deploy your saver as a single self-extracting .exe file which copies the appropriate files into the appropriate files into the appropriate places and installs the saver." ("How to write a 32bit screen saver," page 22).

As per claim 4, CDH Productions and Wischik substantially disclose the method of claim 1. In addition, CDH Productions further discloses media objects including video and animation formats, (GraFX Saver Pro," page 1, paragraph 1). An inherent property of video and animation is that they are divided into a set of sequential subsets smaller than a maximum size and are played by loading and playing each of their respective subsets in sequential order. Therefore, CDH Productions discloses the limitations of the method of claim 4.

As per claim 5, CDH Productions and Wischik substantially disclose the method of claim 1. In addition, CDH Productions further discloses media objects including audio and image formats, (“GraFX Saver Pro,” page 1, paragraph 1).

As per claim 6, CDH Productions and Wischik substantially disclose the method of claim 1. In addition, Wischik further discloses the screen saver is for a display device and is played responsive to a timed trigger event: “Screen savers start when the mouse and keyboard have been left idle for some time” (“How to write a 32bit screen saver,” page 1).

As per claim 18, the method is substantially similar to claim 1, except that it includes a *device* used for playing a media presentation. However, CDH Productions discloses that a screen saver media presentation is to be used on a device, because requirements for the system, or device, to use the screen saver media presentation are exhibited on the lower left corner of “GraFX Saver Pro,” page 1. Therefore, the rest of claim 18 is rejected on the same grounds as claim 1.

As per claim 21, CDH Productions and Wischik substantially disclose the method of claim 18. In addition, CDH Productions further discloses receiving configuration instructions from a user of the device and selecting, ordering, and transitioning the media objects according to the configuration instructions (“GraFX Saver Pro,” page 1, paragraph 1), where the selecting and ordering is implied by the ability to combine images, animation, video, and audio to create professional screensavers. The transitioning of media objects is implied by the support for transition effects.

Wischik also further discloses generating a media package at the device. “If at all possible you should have a single .scr file with no additional files. Even if you want to have

additional bitmaps or JPEGs with your saver, these might as well be deployed as resources in the .scr file. It also makes it much easier for the user if you deploy your saver as a single self-extracting .exe file which copies the appropriate files into the appropriate places and installs the saver.” (“How to write a 32bit screen saver,” page 22).

As per claim 22, CDH Productions and Wischik substantially disclose the method of claim 18. In addition, the method is substantially similar to claim 21 and is therefore rejected on the same grounds as claim 21.

As per claim 23, CDH Productions and Wischik substantially disclose the method of claim 18. In addition, Wischik further discloses an encapsulated media package including data for the media objects: “If at all possible you should have a single .scr file with no additional files. Even if you want to have additional bitmaps or JPEGs with your saver, these might as well be deployed as resources in the .scr file. It also makes it much easier for the user if you deploy your saver as a single self-extracting .exe file which copies the appropriate files into the appropriate files into the appropriate places and installs the saver.” (“How to write a 32bit screen saver,” page 22).

As per claim 24, CDH Productions and Wischik substantially disclose the method of claim 18. In addition, Wischik further discloses a referenced media package including a reference to a file location to access data for the media objects. “If at all possible you should have a single .scr file with no additional files. Even if you want to have additional bitmaps or JPEGs with your saver, these might as well be deployed as resources in the .scr file. It also makes it much easier for the user if you deploy your saver as a single self-extracting .exe file

which copies the appropriate files into the appropriate places and installs the saver.” (“How to write a 32bit screen saver,” page 22).

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over CDH Productions and Wischik in view of Suzuki (US 6,493,743 B2).

As per claim 3, CDH Productions and Wischik substantially disclose the method of claim 2.

CDH Productions and Wischik do not explicitly disclose publishing the media package to a remote user device.

However, in an analogous art, Suzuki discloses publishing media packages to a remote user device (column 7, lines 44 – 54). In addition, a screen saver is disclosed as one of the published packages. Therefore, as disclosed by Wischik, the screen saver published to the remote device would enable the inherent functions of a screen saver: associating, monitoring, and detecting of trigger events and playing of media in response to said trigger events. The fact that a remote device can receive a media package to be utilized, such as a screen saver, means that a user wants the ability to customize their remote user device with said media package. Additionally, if the user wants to customize their remote user device with a media package, it would be obvious that they would want to customize the media package itself by combining and arranging the media objects and transitions to be packaged into said media package. Thus, it would be obvious to one of ordinary skill in the art at the time of invention to incorporate the method of Suzuki with the methods of CDH Productions and Wischik to develop a method of

publishing a media package to a remote user device in which the associating, monitoring, and detecting of trigger events and the playing of media is performed on said remote user device.

9. Claims 7, 9, 12, 13, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over CDH Productions and Wischik in view of Ditzik (US 6,421,235 B2).

As per claim 7, CDH Productions discloses a product, GraFX Saver Pro, which employs a method for creating screen saver media presentations. The method allows a user to input configuration instructions to select and order a plurality of displayed media objects into a sequence utilizing transitions between media objects in order to create a screen saver media presentation (“GraFX Saver Pro,” page 1, paragraph 1), where the selecting and ordering is implied by the ability to combine images, animation, video, and audio to create professional screensavers. The utilization of transitions between media objects is implied by the support for transition effects.

CDH Productions does not explicitly disclose that the screen saver is associated with a trigger event. However, as disclosed by Wischik, “Screen savers start when the mouse and keyboard have been left idle for some time” (“How to write a 32bit screen saver,” page 1). In addition, Wischik discloses “if you move your mouse into some corners then the currently selected saver will start immediately” (“How to write a 32bit screen saver,” page 20). Therefore, Wischik discloses that screen savers such as the ones created by CDH Productions are associated with some sort of monitored trigger event that is played once the event is detected. Thus, it would be obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of CDH Productions and Wischik, because the association of screen

savers with some sort of trigger event is an old and well known feature, used for automatically initiating the screen saver according to user specifications in order to avoid burning a static image into a screen, as well as for protecting information and for entertainment (“How to write a 32bit screen saver,” pages 1 and 2).

CDH Productions discloses that a screen saver media presentation is to be used on a device, because requirements for the system, or device, to use the screen saver are exhibited on the lower left corner of “GraFX Saver Pro,” page 1. But, CDH Productions and Wischik do not explicitly disclose the above methods are performed on a wireless device. However, in an analogous art, Ditzik discloses a wireless device containing a keypad input device, a display screen, and an embedded processor capable of performing said methods (column 3, lines 9 – 14). Ditzik also discloses that the wireless device is able to perform media presentation functions and other functions similar to devices that use screen savers (column 13, lines 36 – 46). In addition, the wireless device of Ditzik has a display screen that would benefit from utilizing a screen saver to avoid burning a static image into the screen. Since the methods of CDH Productions and Wischik can be performed on a device, a user of the methods would not want to be limited to only wired devices. A user would want the ability to perform said methods on any capable device, whether it is wired or wireless, such as the device of Ditzik. Thus, it would be obvious to one of ordinary skill in the art at the time of invention to combine the methods of CDH Productions, Wischik, and Ditzik to develop a wireless device capable of configuring a media presentation and associating, monitoring, and detecting trigger events in order to present the media presentation.

As per claim 9, CDH Productions, Wischik, and Ditzik substantially disclose the device of claim 7. In addition, Wischik further discloses the media objects of a screen saver are played responsive to a trigger event generated by a timer: “Screen savers start when the mouse and keyboard have been left idle for some time” (“How to write a 32bit screen saver,” page 1).

As per claim 12, the method is substantially similar to the method implemented by the device of claim 7, except that the device is *portable* and *battery powered*. However, Ditzik discloses that the device is portable and battery powered (column 3, lines 9 – 19). Therefore, the rest of claim 12 is rejected on the same grounds as claim 7.

As per claim 13, CDH Productions, Wischik, and Ditzik substantially disclose the method of claim 12. In addition, CDH Productions further discloses that the received commands are entered by a user: “GraFX Saver Pro, combined with your imagination, images, animation, video, and audio makes it easy to create professional screen savers in record time” (“GraFX Saver Pro,” page 1, paragraph 1). Because the description implies a user creating the screen saver, it is therefore implied that this user will enter the necessary commands to create the screen saver.

As per claim 15, CDH Productions, Wischik, and Ditzik substantially disclose the method of claim 12. In addition, CDH Productions further discloses audio formats to be ordered and played through a speaker, (“GraFX Saver Pro,” page 1, paragraph 1).

As per claim 16, CDH Productions, Wischik, and Ditzik substantially disclose the method of claim 12. In addition, Wischik further discloses packaging the media objects and sequencing information into an encapsulated media package: “If at all possible you should have a single .scr file with no additional files. Even if you want to have additional bitmaps or JPEGs

with your saver, these might as well be deployed as resources in the .scr file. It also makes it much easier for the user if you deploy your saver as a single self-extracting .exe file which copies the appropriate files into the appropriate files into the appropriate places and installs the saver.” (“How to write a 32bit screen saver,” page 22).

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over CDH Productions, Wischik, and Ditzik in view of King (US 2002/0055992 A1).

As per claim 8, CDH Productions, Wischik, and Ditzik substantially disclose the device of claim 7. CDH Productions, Wischik, and Ditzik do not explicitly disclose the device includes a position location receiver that generates a trigger event to present media objects.

However, in an analogous art, King discloses a wireless device with a global positioning system (GPS) that could generate a trigger event to present media objects ([0044], lines 9 – 16). In addition, the wireless device of Ditzik supports a wide range of communications connectivity and software compatibility (column 6, lines 63 – 65) and is able to function as a wireless cellular communications device capable of GPS communication (column 5, lines 62 – 66). Thus, a user would want to utilize the functions of the GPS to aide in providing information to the user, such as would be provided by a user’s media (King, [0044], lines 14 – 15). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to combine the devices and methods of CDH Productions, Wischik, Ditzik, and King to develop a wireless device able to provide media to a user in response to a trigger event generated by a position location receiver.

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over CDH Productions, Wischik, and Ditzik in view of Makipaa et al. (US 2003/0169306 A1).

As per claim 10, CDH Productions, Wischik, and Ditzik substantially disclose the device of claim 7. CDH Productions, Wischik, and Ditzik do not explicitly disclose the device includes a call processor that presents media objects' responses to a trigger event generated by the call processor.

However, in an analogous art, Makipaa discloses a wireless device with a call processor that could monitor activities of the device to present media objects' responses to a trigger event generated by the call processor ([0033], lines 1 – 11) In addition, the wireless device of Ditzik supports a wide range of communications connectivity and software compatibility (column 6, lines 63 – 65) and is able to function as a wireless cellular communications device (column 5, lines 62 – 66). It is likely that the call processor functions would have priority over the presentation of media in the device containing a media presentation. Thus, a user of said device would want the media presentation to respond to inputs from the call processor so as to prevent interference and possibly to assist in the functions of the call processor. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to combine the devices and methods of CDH Productions, Wischik, Ditzik, and Makipaa to develop a wireless device able to provide media objects and their responses to a trigger event generated by a call processor.

12. Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over CDH Productions, Wischik, and Ditzik in view of Fukuda (US 6,810,115 B2).

As per claim 11, CDH Productions, Wischik, and Ditzik substantially disclose the device of claim 7. CDH Productions, Wischik, and Ditzik do not explicitly disclose the device receives caller identification information and presents media objects' responses to a trigger event generated according to the content of the caller identification information.

However, in an analogous art, Fukuda discloses presenting media objects' responses to a trigger event generated according to the content of caller identification information (column 3, lines 15 – 23). In addition, the wireless device of Ditzik supports a wide range of communications connectivity and software compatibility (column 6, lines 63 – 65) and is able to function as a wireless cellular communications device (column 5, lines 62 – 66). Thus, a user of the device would want to be able to visually or audibly recognize the caller through media presented on the phone according to caller identification information (Fukuda, column 3, lines 21 – 23). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to combine the devices and methods of CDH Productions, Wischik, Ditzik, and Fukuda to develop a wireless device able to provide media objects and their responses to a trigger event generated according to the content of caller identification information.

As per claim 14, CDH Productions, Wischik, and Ditzik substantially disclose the method of claim 12. CDH Productions, Wischik, and Ditzik do not explicitly disclose the method includes receiving commands generated responsive to the portable device receiving a wireless communication for the selection of image files for use in the screen saver.

However, in an analogous art, Fukuda discloses receiving commands generated responsive to the portable device receiving a wireless communication for the selection of image files for use in the screen saver (column 3, lines 15 – 23). In addition, the wireless device of

Ditzik supports a wide range of communications connectivity and software compatibility (column 6, lines 63 – 65) and is able to function as a wireless cellular communications device (column 5, lines 62 – 66). Thus, a user of the device would want to be able to visually or audibly recognize the caller through media presented on the phone according to commands generated responsive to the device receiving a wireless communication (Fukuda, column 3, lines 21 – 23). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to combine the devices and methods of CDH Productions, Wischik, Ditzik, and Fukuda to develop a method of arranging and playing a screensaver on a portable device in which images in the screensaver are selected responsive to the device receiving a wireless communication.

13. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over CDH Productions, Wischik, and Ditzik in view of King (US 2002/0055992 A1).

As per claim 17, CDH Productions, Wischik, and Ditzik substantially disclose the method of claim 16. CDH Productions, Wischik, and Ditzik do not explicitly disclose the method includes transmitting the media package to a remote device and playing the sequence on the display of the remote device

However, in an analogous art, King discloses transmitting a media package to a remote device and playing the media on the display of the remote device ([0032], lines 6 – 17). In addition, the wireless device of Ditzik supports a wide range of communications connectivity and software compatibility (column 6, lines 63 – 65) and is able to function as a wireless cellular communications device capable of transmitting media data to remote devices (column 2, lines 56 – 61). Thus, the user of the device would want to be able to transfer any and all data, including

screensavers, to remote devices in order to utilize that data on the remote device in the intended manner. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to combine the devices and methods of CDH Productions, Wischik, Ditzik, and King to develop a method of arranging and playing a screensaver on a portable device in which the screensaver package may be transmitted to a remote device and played on the display of the remote device.

14. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over CDH Productions and Wischik in view of King (US 2002/0055992 A1).

As per claims 19 and 20, CDH Productions and Wischik substantially disclose the method of claim 18. CDH Productions and Wischik do not explicitly disclose receiving the media package through a network or wireless connection.

However, in an analogous art, King discloses receiving a media package through a wired network or wireless connection ([0032], lines 6 – 17). Also, CDH Productions discloses that a screen saver media presentation is to be used on a computer system, because requirements for the computer system to use the screen saver are exhibited on the lower left corner of “GraFX Saver Pro,” page 1. Since the media is likely to include media objects such as pictures, this media is not always available on the user’s computer system, and the user must obtain it elsewhere. Thus, they would obtain the media through a wired or wireless connection. Additionally, if the user would want to obtain parts of a media package elsewhere, they would most likely want to be able to obtain an entire media package elsewhere as well, meaning that they would want to be able to receive a media package on their computer system through a wired or wireless connection.

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to combine the methods of CDH Productions, Wischik, and King to develop a method of providing a media package to be received through either wired network or wireless connections.


15. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.


Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401. The examiner can normally be reached on Monday through Thursday from 9am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chameli Das, can be reached on 571-272-3696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Eric Wiener
Patent Examiner
A.U. 2112


JEAN M. CORRIELLUS
PATENT EXAMINER
Art unit 2162